

Filed in U.S. Bankruptcy Court
Atlanta, Georgia
M. Regina Thomas, Clerk
MAR 13 2023
By: _____
Deputy Clerk

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:
Kalani Olivia Shelby,
Debtor(s).

CASE NO. 23-52048-bem
CHAPTER 7

**NOTICE TO LANDLORD/LESSOR CONCERNING APPLICABILITY OF
EXCEPTION TO AUTOMATIC STAY PROVIDED UNDER 11 U.S.C. § 362(b)(22)**

Debtor or Debtors (hereinafter "Debtor") in this case has identified you as a Landlord/Lessor who has obtained a judgment for possession of residential property in which Debtor resides as a tenant. In accordance with 11 U.S.C. § 362(l)(4)(B) you are hereby notified that the exception to the automatic stay as provided under 11 U.S.C. § 362(b)(22) may be applicable because:

1. Debtor has not filed a certification that under applicable nonbankruptcy law there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, or
 - Debtor has not filed a certification that Debtor(s) has deposited with the Court the rent that would become due during the 30-day period after the filing of the petition; or
 - Debtor has not made the appropriate deposit with the Court.
2. Debtor has not filed a certification that Debtor has cured, under nonbankruptcy law applicable in this jurisdiction, the entire monetary default that gave rise to the judgment under which possession is sought by the Landlord/Lessor.

Where applicable, certified copies of the case docket and/or certification are enclosed. This Notice will be served upon Landlord/Lessor and Debtor and their counsel, if any.

Dated: March 13, 2023

United States Bankruptcy Court
75 Ted Turner Drive, SW
Room 1340
Atlanta, Georgia 30303


M. REGINA THOMAS, Clerk of Court

| | | | |
|---|---|---|---|
| Fill in this information to identify your case: | | | |
| Debtor 1 | <u>Khalani</u> <small>First Name</small> | <u>Olivia</u> <small>Middle Name</small> | <u>Shelby</u> <small>Last Name</small> |
| Debtor 2 | <small>(Spouse, if filing)</small> | <small>First Name</small> | <small>Middle Name</small> |
| | | | <small>Last Name</small> |
| United States Bankruptcy Court for the: <u>Northern</u> | | District of <u>Georgia</u> | <small>(State)</small> |
| Case number <small>(If known)</small> | <u>23-52048</u> | | |

FILED IN CLERK'S OFFICE
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT
OF GEORGIA

-2023 MAR -9 AM 9:34

M. REGINA THOMAS
CLERK
JM
DEPUTY CLERK

Official Form 101A

Initial Statement About an Eviction Judgment Against You

12/15

File this form with the court and serve a copy on your landlord when you first file bankruptcy only if:

- you rent your residence; and
- your landlord has obtained a judgment for possession in an eviction, unlawful detainer action, or similar proceeding (called *eviction judgment*) against you to possess your residence.

Landlord's name Progress Residential
Landlord's address 7500 N. Dobson Road
Number 7500 Street N. Dobson Road
City Scottsdale State AZ ZIP Code 85256

Filed in Clerk's Office and
a true copy certified this
13 day of March, 2023
M. REGINA THOMAS, CLERK
By: N. Schindler
Deputy Clerk

If you want to stay in your rented residence after you file your case for bankruptcy, also complete the certification below.

Certification About Applicable Law and Deposit of Rent

I certify under penalty of perjury that:

Under the state or other nonbankruptcy law that applies to the judgment for possession (*eviction judgment*), I have the right to stay in my residence by paying my landlord the entire delinquent amount.

I have given the bankruptcy court clerk a deposit for the rent that would be due during the 30 days after I file the *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

Signature of Debtor

Signature of Debtor 2

Date 03 09 2023
MM DD YYYY

Date _____

Stay of Eviction: (a) **First 30 days after bankruptcy.** If you checked both boxes above, signed the form to certify that both apply, and served your landlord with a copy of this statement, the automatic stay under 11 U.S.C. § 362(a)(3) will apply to the continuation of the eviction against you for 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

(b) **Stay after the initial 30 days.** If you wish to stay in your residence after that 30-day period and continue to receive the protection of the automatic stay under 11 U.S.C. § 362(a)(3), you must pay the entire delinquent amount to your landlord as stated in the eviction judgment before the 30-day period ends. You must also fill out *Statement About Payment of an Eviction Judgment Against You* (Official Form 101B), file it with the bankruptcy court, and serve your landlord a copy of it before the 30-day period ends.

Check the Bankruptcy Rules (<http://www.uscourts.gov/rules-policies/current-rules-practice-procedure>) and the local court's website (to find your court's website, go to <http://www.uscourts.gov/court-locator>) for any specific requirements that you might have to meet to serve this statement. 11 U.S.C. §§ 362(b)(22) and 362(l)

U.S. Bankruptcy Court
Northern District of Georgia (Atlanta)
Bankruptcy Petition #: 23-52048-bem
Internal Use Only

Assigned to: Chief Judge Barbara Ellis-Monro
 Chapter 7
 Voluntary
 No asset

Date filed: 03/03/2023

341 meeting: 04/10/2023

Deadline for objecting to discharge: 06/09/2023

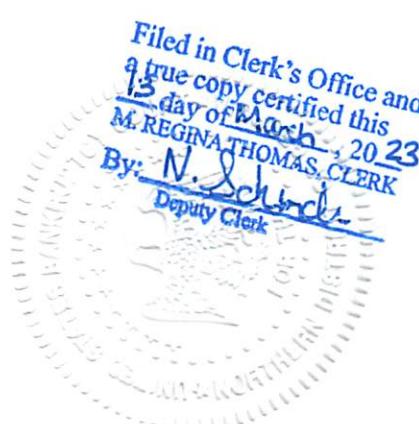
Debtor

Kalani Olivia Shelby
 11195 Chelsea Lane
 Hampton, GA 30228
 CLAYTON-GA
 SSN / ITIN: 217-29-2202
 Tax ID / EIN: 85-1084033

represented by **Kalani Olivia Shelby**
 PRO SE

Trustee

Neil C. Gordon
 Taylor English Duma LLP
 Suite 200
 1600 Parkwood Circle SE
 Atlanta, GA 30339
 404-640-5917



U.S. Trustee

Office of the United States Trustee
 362 Richard Russell Building
 75 Ted Turner Drive, SW
 Atlanta, GA 30303
 404-331-4437

| Filing Date | # | Docket Text |
|-------------|------------------------|---|
| 03/03/2023 | •1 (19 pgs; 2 docs) | Case Opened and Voluntary Petition Filed. (jcm) Additional attachment(s) added on 3/3/2023 (jcm). [Pursuant to General Order 45-2021, this document was received for filing via email.] original document(s) attached on 3/9/2023 (jcm). |
| 03/03/2023 | •2 (1 pg) | Statement of Social Security Number (Official Form B121) (Document is restricted and can only be viewed by Court staff.) filed by Kalani Olivia Shelby . [Pursuant to General Order 45-2021, this document was received for filing via email.] (jcm) original document(s) attached on 3/9/2023 (jcm). Modified on 3/9/2023 (jcm). |

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| 03/03/2023 | | (private) Add US Trustee to the case. (Admin) |
| 03/03/2023 | ③ (1 pg) | Order Regarding the List of Creditors with deficiencies noted. Failure to comply will result in dismissal of case without further notice. Service by BNC. List of all creditors due 3/10/2023. Entered on 3/3/2023. (rhg)  |
| 03/03/2023 | ④ (1 pg) | Order Regarding Unpaid Filing Fee in the Amount of \$ 338.00 . Service by BNC. Filing Fee Due on: 3/13/2023, Entered on 3/3/2023. (related document(s) 1) (rhg)  |
| 03/03/2023 | ⑤ (1 pg)  | Order Setting Deadlines for Debtor to Correct Filing Deficiencies (Individual). Service by BNC. Statement of Financial Affairs due 3/17/2023. Schedule(s) due by 3/17/2023. Declaration About Debtors Schedules (B106) due 3/17/2023. Summary of Assets and Liabilities due 3/17/2023. Statement of Income and, if applicable, Means Test Calculation Form due: 3/17/2023. Credit Counseling Certificate due 3/17/2023. Debtor Payment Advices due: 3/17/2023. Statement of Intention due 4/3/2023. (rhg)  |
| 03/03/2023 | ⑥ (2 pgs) | Notice of Meeting of Creditors (Chapter 7 - Individual - No Asset). Telephonic 341 Meeting to be held on 4/10/2023 at 10:30 AM (See notice for telephonic call-in information (Ch. 7 Gordon)). (Admin) Objections for Discharge due by 6/9/2023 |
| 03/03/2023 | ⑦ (1 pg) | Notice to Debtor Regarding Debtor Electronic Noticing. Service by BNC. (rhg) |
| 03/05/2023 | ⑧ (3 pgs) | Certificate of Mailing by BNC of Notice of Meeting of Creditors Notice Date 03/05/2023. (Admin.) (Entered: 03/06/2023) |
| 03/05/2023 | ⑨ (2 pgs) | Certificate of Mailing by BNC of Order Regarding List of Creditors Notice Date 03/05/2023. (Admin.) (Entered: 03/06/2023) |
| 03/05/2023 | ⑩ (2 pgs) | Certificate of Mailing by BNC of Order on Deadlines to Correct New Case Deficiency - Individual. Notice Date 03/05/2023. (Admin.) (Entered: 03/06/2023) |
| 03/05/2023 | ⑪ (2 pgs) | Certificate of Mailing by BNC of Order Regarding Unpaid Filing Fees Notice Date 03/05/2023. (Admin.) (Entered: 03/06/2023) |

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| 03/05/2023 | ● <u>12</u> (2 pgs) | Certificate of Mailing by BNC of Notice to Debtor Regarding Debtor Electronic Noticing Notice Date 03/05/2023. (Admin.) (Entered: 03/06/2023) |
| 03/06/2023 | ● | Notice of Debtor's Prior Filings for debtor Kalani Olivia Shelby Case Number <u>13-12934</u> , Chapter 7 filed in Georgia Northern Bankruptcy Court on 11/20/2013 , Standard Discharge on 03/20/2014.(Admin) |
| 03/06/2023 | | (private) RepeatPACER flag set (ADIclerk). |
| 03/09/2023 | ● <u>13</u> (3 pgs) | Payment Advices of Debtor, filed by Kalani Olivia Shelby . (related document(s) <u>5</u>) (jcm)  |
| 03/09/2023 | ● <u>14</u> (1 pg) | Credit Counseling Service Certificate filed by Kalani Olivia Shelby . (jcm)  |
| 03/09/2023 | ● <u>15</u> (1 pg) | Pro Se Affidavit filed by Kalani Olivia Shelby . (jcm)  |
| 03/09/2023 | ● <u>16</u> (1 pg) | Application to Pay Filing Fee in Installments filed by Kalani Olivia Shelby . (jcm)  |
| 03/09/2023 | ● <u>17</u> (1 pg) | Initial Statement About an Eviction Judgment Against You filed by Kalani Olivia Shelby . (jcm)  |
| 03/09/2023 | ● <u>18</u> (1 pg) | [Duplicate Entry] Initial Statement About an Eviction Judgment Against You filed by Kalani Olivia Shelby . (rfs) Modified on 3/10/2023 (rfs). Modified on 3/10/2023 (rfs).  |
| 03/09/2023 | ● <u>19</u> (6 pgs) | List of Creditors filed by Kalani Olivia Shelby . (related document(s) <u>3</u>) (rfs)  |
| 03/09/2023 | ● <u>20</u> (61 pgs) Filed in Clerk's Office and a true copy certified this 13 day of March, 2023 M. REGINA THOMAS, CLERK By: <u>N. Schunder</u> Deputy Clerk | Statement of Financial Affairs , Schedule A/B , Schedule C , Schedule D , Schedule E/F , Schedule G , Schedule H , Schedule I , Schedule J , Statement of Intention, Summary of Assets and Liabilities with Statistical Information for Individual Debtor , Verification or Declaration for Individual Debtor , Chapter 7 Statement of Monthly Income/Means Test Document(s) filed by Kalani Olivia Shelby . (related document(s) <u>5</u>) (rfs)  |
| 03/10/2023 | ● | Notice that Document Number 18 - Initial Statement About an Eviction Judgment Against You, was entered in error. (related document(s) <u>18</u>) (rfs)  |



In re: 23-52048-bem

CERTIFICATE OF MAILING

I certify that the Notice of Exception from Automatic Stay was served by US Mail to the following parties:

Kalani Olivia Shelby
11195 Chelsea Lane
Hampton, GA 30228

Progress Residential
7500 N. Dobson Road
Scottsdale, AZ 85256

Date Mailed: March 13, 2023

M. REGINA THOMAS, CLERK

By: /s/ Nancie Schindler
Nancie Schindler